

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AMANDA HILL, et al.

Plaintiff(s),

v.

QUICKEN LOANS INC.

Defendant(s).

Case No.

5:19-cv-00163-FMO-SP

**ORDER Re: MOTIONS FOR CLASS  
CERTIFICATION**

A deadline for motion for class certification<sup>1</sup> has been set in the above-captioned case. Any motion(s) for class certification **shall** comply with all Federal Rules of Civil Procedure and Local Rules, as well as this Order. Please be advised that this Order contains requirements more specific than the Local Rules and Federal Rules of Civil Procedure.

1. Joint Brief: The parties shall work cooperatively to create a single, *fully integrated* joint brief covering each party's position, in which each issue (or sub-issue) raised by a party is immediately followed by the opposing party's/parties' response. The joint brief shall set out each issue (or sub-issue), including legal argument and direct citation to the evidence, followed seriatim

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<sup>1</sup> This Order applies to any motion for certification pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201, et seq. It also applies to any motion for decertification of a previously certified class.

1 by the response with respect to that issue (or sub-issue), including legal argument  
2 and direct citation to evidence.

3 2. Citation to Evidence: All citation to evidence in the joint brief shall be  
4 directly to the exhibit and page number(s) of the evidentiary appendix, (see infra  
5 at ¶ 5), or page and line number(s) of a deposition. Parenthetical explanations  
6 are encouraged. The parties shall cite to relevant evidence to support factual  
7 assertions throughout the joint brief. Failure to cite to evidence in support of  
8 a factual assertion may be deemed the party's admission that the party lacks  
9 evidence of that fact. Evidence not cited by a party in the joint brief may be  
10 deemed admitted to be irrelevant.

11 3. Unnecessary Sections: The parties need not include a "procedural  
12 history" section, since the court will be familiar with the procedural history. The  
13 court is also familiar with the general standard for class certification, so that need  
14 not be argued. However, if a party believes a specialized standard is applicable,  
15 the party may brief such a standard. If preliminary issues - such as choice of law -  
16 are in dispute, the parties shall brief such issues in accordance with ¶ 1, supra.

17 4. Page Limitation: Each separately-represented party shall be limited to  
18 twenty-five (25) pages, exclusive of tables of contents and authorities. Repetition  
19 shall be avoided and, as always, brevity is preferred. Leave for additional space  
20 will be given only in extraordinary cases. The excessive use of footnotes in an  
21 attempt to avoid the page limitation shall not be tolerated. All substantive material,  
22 other than brief argument on tangential issues, shall be in the body of the brief.

23 5. Evidentiary Appendix: The joint brief shall be accompanied by one  
24 separate, tabbed appendix of declarations and written evidence (including  
25 documents, photographs, deposition excerpts, etc.). See Local Rule 7-6.  
26 Declarations shall set out facts that would be admissible in evidence, and shall  
27 *not* contain argument. See Local Rule 7-7. Depositions, see Local Rule 32-1,  
28 and physical exhibits shall be lodged separately. The evidentiary appendix shall

1 include a table of contents.

2 If the evidentiary appendix exceeds 50 pages, the evidence must be separately  
3 bound and tabbed and include an index. If such evidence exceeds **300** pages, the  
4 documents shall be placed in **three-ring binders**, with an index and with each  
5 item of evidence separated by a divider with a tab on the right side. In addition,  
6 counsel shall provide an electronic copy (i.e., cd, dvd, or flash drive) of the  
7 documents in a single, OCR-scanned, .pdf file with each item of evidence separated  
8 by labeled bookmarks. Counsel shall ensure that all documents are legible.

9 6. Evidentiary Objections: All necessary evidentiary objections shall be made  
10 in the relevant section(s) of the joint brief.

11 7. Schedule for Preparation and Filing of Joint Brief: The briefing schedule  
12 for the joint brief shall be as follows:

13 A. **Meet and Confer**: In order for a motion for class certification to  
14 be filed in a timely manner, the meet and confer must take place no later  
15 than thirty-five (35) days before the deadline for class certification motions  
16 set forth in the Court's Case Management and Scheduling Order. It shall  
17 be the responsibility of counsel for the moving party to arrange for this  
18 conference. Counsel for the parties shall meet and confer in person at an  
19 agreed-upon location within the Central District of California to narrow  
20 and crystallize the issues to be argued in the class certification motion.  
21 The parties shall discuss each issue to be raised in the motion, as well as  
22 the law and evidence relevant to that issue, so that the parties' briefing  
23 reflects that they are fully cognizant of the other side's position(s). If the  
24 briefing reveals that the parties are not on the same page with respect to  
25 the issues and position(s) presented, the motion shall be stricken.

26 B. No later than seven (7) days after the meet and confer, the moving  
27 party shall personally deliver or e-mail to the opposing party an electronic  
28 copy of the moving party's portion of the joint brief, together with the

1 moving party's portion of the evidentiary appendix.

2 C. No later than fourteen (14) days after receiving the moving party's  
3 papers, the opposing party shall personally deliver or e-mail to the moving  
4 party an electronic copy of the integrated motion, which shall include the  
5 opposing party's portion of the joint brief, together with the opposing party's  
6 portion of the evidentiary appendix.

7 D. No later than two (2) days after receiving the integrated version of  
8 the motion and related papers, the moving party shall finalize it for filing.  
9 The moving party may not make any further revisions to the joint brief other  
10 than finalizing the document for filing. Once finalized, the joint brief shall be  
11 provided to the opposing party's counsel who shall sign it and return it to the  
12 moving party's counsel no later than the end of the next business day. The  
13 moving party's counsel shall sign and electronically file the joint brief, the  
14 evidentiary appendix, and joint appendix of undisputed and disputed facts  
15 no later than one business day after receiving the opposing party's signed  
16 copy. The joint brief shall be accompanied by a Notice of Motion and  
17 Motion for Class Certification, and shall be calendared pursuant to the  
18 Local Rules.

19 E. **Supplemental Memorandum:** After the joint brief is filed, each  
20 party may file a supplemental memorandum of points and authorities no  
21 later than fourteen (14) days prior to the hearing date. The supplemental  
22 memorandum shall not exceed ten (10) pages in length. No other separate  
23 memorandum of points and authorities shall be filed by either party in  
24 connection with the motion for class certification.

25 8. Failure to Comply with this Order: If it appears from the joint brief  
26 that the parties have not discharged their meet and confer obligations in good  
27 faith, that the parties have not worked to fully integrate the document, or that  
28 the parties have otherwise failed to fully comply with this Order, the motion

1 shall be stricken, and the parties shall be required to repeat the process. If it  
2 appears that one (or more) of the parties is primarily responsible for the failure  
3 to properly file an adequate joint brief, the primarily responsible party or parties  
4 shall be subject to appropriate sanctions.

5 **IT IS SO ORDERED.**

6 DATED: March 9, 2020

7 /s/  
Fernando M. Olguin  
United States District Judge